



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

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Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Dear Commissioners:

Thank you for the opportunity to file comments on MM Docket No. 92-263 Implementation of Section 8 of the Cable Television Consumer Protection and Competition Act of 1992 (the Act). An original and nine copies are being provided pursuant to III. (22) Comment Information of the December 11, 1992 NOTICE OF PROPOSED RULE MAKING.

The State of Connecticut has enacted statutes and regulations concerning cable television consumer service, copies of which are enclosed. It is our hope that they may assist the Federal Communications Commission in prescribing consumer service standards under the Act.

Questions concerning the enclosed may be directed to Barney E. Spector, Manager of Consumer Assistance, at the address below or by telephone at (203) 827-2660.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

*Robert J. Murphy / DM*

Robert J. Murphy  
Executive Secretary

Enclosures

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Ch. 287

TAXICABS

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CHAPTER 287\*

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TAXICABS

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\*See chapter 244a.

Secs. 16-318 to 16-323. Transferred to Chapter 244a, Secs. 13b-95 to 13b-100, inclusive.

#### CHAPTER 288\*

#### MOTOR VEHICLES IN LIVERY SERVICE

\*See chapter 244b.

Secs. 16-324 to 16-329. Transferred to Chapter 244b, Secs. 13b-101 to 13b-108, inclusive.

#### CHAPTER 289\*

#### DEPARTMENT OF PUBLIC UTILITY CONTROL: COMMUNITY ANTENNA TELEVISION SYSTEMS

\*Cited. 159 C. 320. Cited. 192 C. 506, 510-519.

Sec. 16-330. **Definition.** Section 16-330 is repealed.

(1963, P.A. 425, S. 1; P.A. 85-292, S. 3; 85-509, S. 10, 11.)

**Sec. 16-331. Certificate of public convenience and necessity. Regulations. Renewal. Advisory councils. Public access programming. Community needs assessment.** (a) No person, association or corporation shall construct or operate a community antenna television system without having first obtained a certificate of public convenience and necessity from the department of public utility control certifying that the person, firm or corporation is qualified pursuant to the provisions of subsection (b) of this section to operate such a service within the territory specified in such certificate. The department may issue more than one such certificate for any franchise area or portion of a franchise area. Notwithstanding the provisions of section 33-286, any such certificate shall authorize the holder thereof to occupy public highways to the extent required to provide community antenna television system service. A certificate shall be issued only after written application for the same has been made to the department, accompanied by a fee of fifty dollars, and public hearing has been held thereon. No certificate shall be sold or transferred without the approval of the department. For due cause shown, the department may amend, suspend or revoke any such certificate. If a certificate is not exercised within two years from the date of issue, the department may revoke the certificate. The department may specify in the certificate at the time of issue and from time to time thereafter such terms and conditions as the public interest may require.



(b) In determining whether a new certificate shall be issued or an existing certificate transferred, the department of public utility control shall only take into consideration the suitability of the applicant or, if the applicant is a corporation, of its management, the financial responsibility of the applicant and the ability of the applicant to perform efficiently the service for which authority is requested. In the case of an application filed on or after October 1, 1981, (1) if the applicant or an affiliate thereof is the holder of one or more other certificates in the state, the department shall also consider the possible adverse effects of increasing the concentration of ownership of community antenna television systems and related services, which would result from granting the application and (2) suitability of the applicant shall include consideration of participating owners resident in the proposed service area as well as involvement in local civic and community activities. In considering concentration of ownership the department shall only take into account the following factors: (A) Federal and state antitrust and unfair trade practices laws, regulations and policies and (B) the reduced ability of the department to make comparisons with other certificate holders. In the case of an application filed on or after January 1, 1983, for the approval of the transfer of an existing certificate, the department shall also (i) consult with the advisory council established by regulation for the franchise area specified in the certificate and, (ii) if the applicant or an affiliate thereof is the holder of one or more other certificates in the state, consider the adequacy of the service provided by such holder in the franchise areas specified in such certificate or certificates. The department may adopt regulations in accordance with chapter 54 to carry out the purposes of this subsection.

(c) (1) An officer of a community antenna television company issued a certificate of public convenience and necessity in accordance with this section shall, twice a year, arrange for and hold a meeting with the advisory council established, in accordance with regulations adopted by the department in accordance with chapter 54, for the franchise area served by such company. (2) The department shall designate an advisory council as an intervenor in any contested case before the department involving the community antenna television company which the council is advising. Such company shall provide to the chairperson of its advisory council a copy of any report, notice or other document it files with the department. If a community antenna television company fails or refuses to furnish adequate service to any customer, the advisory council for the franchise area served by the company may file a written petition with the department alleging the failure or refusal. The department shall hold a hearing on such petition and, not later than one hundred fifty days after receiving the petition, shall issue a written decision on the petition. The company shall thereafter furnish service to the customer in accordance with the conditions prescribed under the department's decision. (3) Each community antenna television company shall, every six months, provide on bills, bill inserts or letters to subscribers, and shall prominently post in the company's primary subscriber service area and public access facility, a notice indicating the name and an address of the chairperson of the company's advisory council and describing the responsibilities of the advisory council. Each such company shall provide its advisory council with an opportunity to review such notice prior to distributing or posting the notice.

(d) (1) An initial certificate issued prior to June 1, 1988, shall grant a franchise for fifteen years, provided that for certificates issued prior to January 1, 1975, the initial franchise term shall be deemed to end for four such companies each year, starting in 1989, in order of those companies having the highest gross revenues under chapter 211 or 212a during the calendar year ending December 31, 1982. An initial, renewal or transfer certificate issued on or after June 1, 1988, shall grant a franchise for a term of not less than five years and not more than ten years, except that under special circumstances, as described in subdivision (2), a franchise may be granted for a term of more than ten years but not more than fifteen years. The department shall have the discretion to determine the appropriate length of

a franchise term, initial, renewal or transfer, and in making its decision shall consider the following without limitation: (A) The operator's past performance in terms of meeting the needs of the cable-related community; (B) the operator's past performance in terms of complying with the material terms of the existing franchise; (C) the operator's compliance with department regulations and the general statutes; (D) the ability of the operator's management to properly operate the franchise; (E) the operator's effectiveness in dealing with consumer requests, complaints and billing questions or disputes; (F) the operator's effectiveness in dealing with the advisory council; (G) the quality and diversity of the operator's programming; (H) the quality of the operator's public access, as described in subdivision (3), educational access and governmental access programming; (I) the quality of the operator's equipment and facilities; and (J) the operator's proposals for future extensions and upgrading to technologically advanced equipment, facilities and systems.

(2) Under special circumstances, the department in its discretion, may issue, renew or transfer a franchise for a term of not more than fifteen years if the franchisee has committed itself, as outlined in the franchise agreement, to provide or maintain technologically advanced equipment, facilities and systems, as determined by the department, and to comply with specific quality of service standards, including, but not limited to, the time between installation and repair following a subscriber request, the response time to consumer complaints and the quality of the operator's customer service policies and practices.

(3) In evaluating the quality of public access programming the department shall consider, without limitation, (1) compliance with federal and state laws governing public access, including, but not limited to, sections 16-333-31 to 16-333-36, inclusive, of the regulations of Connecticut state agencies; (2) compliance with the terms of the franchise certificate, which apply to public access and (3) compliance with requirements involving public access contained in any order of the department which applies to the community antenna television system.

(4) If the department, on or after June 1, 1988, approves the transfer of a certificate, the franchise term of such transferred certificate shall be the remaining duration of the franchise term originally granted unless the department grants a different term, the appropriate length of which shall be determined by the department under this subsection. A certificate may be renewed for an additional term, the appropriate length of which shall be determined by the department under this subsection, if the department finds that the holder of the certificate has complied with the provisions of the Cable Communications Policy Act of 1984, P.L. 98-549, concerning certificate renewals.

(5) The department shall adopt regulations in accordance with chapter 54, establishing procedures and standards for the renewal of certificates issued to community antenna television companies. Such regulations shall, without limitation, (A) incorporate the provisions concerning certificate renewals set forth under the Cable Communications Policy Act of 1984, P.L. 98-549, (B) require the department to consult with the advisory council for the franchise area served by the certificate holder before making a decision concerning the renewal of the certificate and (C) require any holder of a certificate which is not renewed by the department to continue to operate the franchise for one year after the end of its term or until a successor is chosen and ready to assume control of the franchise, whichever is sooner.

(e) No certificate issued by the department under this section for the construction or operation of a community antenna television system shall be construed to authorize the pro-

vision of noncable communications service, except as provided under section 16-247b. For the purposes of section 16-247c, noncable communications service shall not be deemed to be service which is provided by a community antenna television company pursuant to a special charter or certificate of public convenience or necessity. Nothing in this subsection shall be construed to affect service which is both authorized and preempted pursuant to federal law.

(f) (1) Each company, in consultation with the franchise's advisory council, shall provide facilities, equipment, technical and managerial support and community outreach programs to enable the production of meaningful community access programming within its franchise area. If a community-based nonprofit organization in a franchise area desires to assume responsibility for public access operations, it shall, upon timely petition to the department, be granted intervenor status in a franchise proceeding held pursuant to this section. The department shall assign this responsibility to the most qualified community-based nonprofit organization or the company based on the following criteria: (A) The recommendations of the advisory council and of the municipalities in the franchise area; (B) a review of the nonprofit organization's or the company's performance in providing public access programming; (C) the operating plan submitted by the community-based nonprofit organization and the company for providing public access programming; (D) the experience in public access programming of the community-based nonprofit organization; (E) the organization's and the company's proposed budget, including expenses for salaries, consultants, attorneys, and other professionals; (F) the quality and quantity of the programming to be created, promoted or facilitated by the organization or the company; (G) a review of the nonprofit organization's procedures to ensure compliance with federal and state law, including the regulations of Connecticut state agencies; and (H) any other criteria determined to be relevant by the department. If the department selects a community-based nonprofit organization to provide public access operations, the company shall provide financial and technical support to the organization in an amount to be determined by the department.

(2) In the case of any initial, transfer or renewal franchise proceeding held on or after October 1, 1990, the department, may, on its own initiative, in the first six months of the second, fifth and eighth years of the franchise term, review and evaluate the company's or the community-based nonprofit organization's provision of community access programming. The department shall conduct such review or evaluation in any such proceeding held on or after October 1, 1990, if the consumer counsel or any interested party petitions the department for such a review during the first six months of the review year. During any such review year, if a community-based organization desires to provide public access operations it shall petition the department and the department shall follow the procedures and standards described in subdivision (1) of this subsection in determining whether to assign to the organization the responsibility to provide such operations.

(3) No organization or company providing community access operations shall exercise editorial control over such programming, except as allowed by applicable state and federal law.

(g) Each company and nonprofit organization providing public access operations shall report annually to the department on or before January first. Such report shall describe expenditures on public access programming, outreach efforts to involve the community in such programming, the involvement of the franchise's advisory council in such programming, and such other matters as may be determined by the department.

(h) Each applicant for a certificate shall finance the reasonable costs of a community needs assessment, conducted by an independent consultant and developed jointly by the

department, the office of consumer counsel, the local advisory council and the applicant, which assessment shall analyze a community's future cable-related needs and, if applicable, shall provide the department with assistance in analyzing an operator's past performance as defined in subsection (d) of section 16-333i. The department shall supervise the assessment and provide the independent consultant with the date upon which the assessment shall be completed and filed with the department. Such community needs assessment shall be conducted in lieu of the requirement in subdivision (12) of subsection (c) of section 16-333-39 of the regulations of Connecticut state agencies.

(1963, P.A. 425, S. 2, 3; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 162, 610; P.A. 79-533, S. 2, 4; P.A. 80-482, S. 160, 348; P.A. 81-393, S. 1; 81-472, S. 157; P.A. 82-221, S. 2, 3; P.A. 83-49; 83-149; 83-584, S. 2; P.A. 85-292, S. 1; 85-509, S. 6, 11; P.A. 87-415, S. 8, 13; 87-454, S. 1, 3; 87-580, S. 2, 4; P.A. 88-202, S. 1, 10; P.A. 90-12; 90-79, S. 1.)

History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 79-533 provided that certificate grants franchise for unlimited time unless revoked or reassigned in Subsec. (a) and added Subsec. (c); P.A. 80-482 made division of public utility control an independent department and deleted reference to abolished department of business regulation; P.A. 81-393, in Subsec. (a) deleted provision that a certificate grants a franchise for an unlimited period and authorized department to amend certificates to include nonfranchised municipalities, in Subsec. (b) added provisions requiring department to consider concentration of ownership and owners resident in service area and in Subsec. (c) required officer of company to arrange for meeting with advisory council, department to designate advisory council as intervenor and company to provide advisory council with copies of department filings; P.A. 81-472 made technical changes; P.A. 82-221 applied criteria for granting certificate to transfer of existing certificate; P.A. 83-49 amended Subsec. (c) to authorize advisory councils to petition department re service deficiencies; P.A. 83-149 added Subsec. (d), limiting the duration of franchise certificates to fifteen years and providing for renewal procedure; P.A. 83-584 amended Subsec. (b) to require department, in reviewing application filed on or after January 1, 1983, for transfer of existing certificate, to consult with advisory council and consider adequacy of service by applicant in other franchise areas and amended Subsec. (d) to allow transferee of certificate issued for initial franchise term to have full fifteen year term; P.A. 85-292 divided Subsec. (c) into Subdivs., required, in Subdiv. (1) advisory council regulations to be adopted in accordance with chapter 54, and added Subdiv. (3) re disclosure of advisory council information to subscribers; P.A. 85-509 amended Subsec. (a) to allow more than one certificate to be issued for any franchise area or portion of a franchise area and to delete provision authorizing department to amend certificate to include municipalities not included in any other franchise, amended Subsec. (b) to delete provision requiring department to consider public need for proposed service in determining whether to issue a new certificate or transfer an existing certificate and limited department's consideration to other factors listed in Subsec. (b), amended Subdiv. (1) of Subsec. (d) to allow certificate to be renewed if department finds holder has complied with provisions of P.L. 98-549 re certificate renewals, amended Subdiv. (2) of Subsec. (d) to require department to adopt regulations for renewals incorporating provisions of P.L. 98-549 and added Subsec. (e) re noncable communications service; P.A. 87-415 amended Subsec. (e) by deleting exception for service authorized by plan implemented in accordance with Sec. 16-247d; P.A. 87-454 amended Subdiv. (1) of Subsec. (d) by changing franchise term from fifteen years to five or ten years; P.A. 87-580 changed effective date of P.A. 87-454 from July 2, 1987, to June 1, 1988; P.A. 88-202 amended Subdivs. (1), (2) and (3) of Subsec. (d) by changing the length of an initial, renewal or transfer franchise term for a term of not less than five and not more than fifteen years and detailed the factors the department shall consider when granting a fifteen-year term and amended Subdiv. (4) substituting "shall" for "may" concerning the department's promulgation of regulations; P.A. 90-12 added new Subsec. (f) concerning the provision of public access programming, inserted new Subdiv. (3) in Subsec. (d) re evaluation of public access programming quality, renumbering remaining Subdivs. accordingly and made technical change in Subdiv. (1) to clearly distinguish between public access and educational access; P.A. 90-79 added new Subsec. (h) establishing a community needs assessment.

The circumstance of common ownership is a proper consideration in determining the suitability of the applicant by the commission. Other things being equal, the public interest would best be served by the grant of franchises to independent CATV operators rather than to those financially affiliated with broadcasters. 159 C. 317, 332, 333. Cited. 192 C. 506, 508.

**Sec. 16-331a. Moratorium on transfer of certificate of public convenience and necessity.** Notwithstanding the provisions of subsection (d) of section 16-331, the department of public utility control shall not approve the transfer of any certificate of public convenience and necessity for the construction or operation of a community antenna television system prior to June 1, 1988.

(P.A. 87-580, S. 3, 4.)

**Sec. 16-331b. Members of community antenna advisory councils to serve without compensation.** Members of community antenna advisory councils established pursuant to section 16-331 shall serve without compensation. For the purposes of this section compensation shall include the receipt of any free or discounted cable television service, either basic or premium.

(P.A. 89-182, S. 1.)

**Sec. 16-331c. Community antenna television companies' contribution to community antenna advisory councils.** Each community antenna television company, as defined in section 16-1, shall annually contribute to the advisory council in its franchise area an amount not less than two thousand dollars. An advisory council may at its option receive any or all of its funding through in-kind services of the community antenna television company. Each advisory council shall annually, on January first, provide the department of public utility control with an accounting of any funding or services received.

(P.A. 89-182, S. 2.)

**Sec. 16-331d. Community antenna television advisory council vacancies.** The chief elected official from the town in which a vacant seat exists on a community antenna television advisory council shall appoint a member to fill such vacancy if any other appointing authority fails to make an appointment within six months of the time in which a vacancy occurs.

(P.A. 89-182, S. 3.)

**Sec. 16-332. Leases by public service companies of facilities for community antenna purposes.** Any public service company may lease facilities to persons or corporations operating community antenna television systems for the purpose of making television and audio signals available for reception by the customers of such persons or corporations. Rates for such leasing shall be filed with the department of public utility control pursuant to section 16-19.

(1963, P.A. 425, S. 4; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 162, 610; P.A. 80-482, S. 161, 348.)

History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced public utilities control authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division an independent department and deleted reference to abolished department of business regulation.

**Sec. 16-333. Orders and regulations. Construction and extension requirements. Performance standards. Public access channel. Personal privacy protections. Carriage of television broadcast signals. Subscriber inquiries and complaints. Notices.** (a) The department of public utility control may issue orders and regulations governing safety of operations of community antenna television systems.

(b) The department of public utility control shall adopt regulations in accordance with chapter 54 to: (1) Establish minimum construction and extension requirements for underground community antenna television facilities in areas where underground facilities of other public utilities already exist; (2) establish technical standards of performance for the installation of community antenna television systems, including standards for the drilling of holes and the location of such holes in buildings to be served.

(c) The department of public utility control shall adopt regulations in accordance with chapter 54 requiring each community antenna television company to maintain at least one specially designated, noncommercial public access channel available to the public and establishing minimum standards for the equipment supplied by such company for the public access programming and requirements concerning the availability and operation of such channel.

(d) The department shall, not later than March 1, 1984, adopt regulations in accordance with chapter 54 (1) establishing personal privacy protections for community antenna telev.

sion subscribers, including, but not limited to, standards for the types of individually identifiable data that a community antenna television company may collect on its subscribers, (2) requiring each such company to notify each of its subscribers of such privacy protections and (3) prohibiting each company from disclosing such data without the prior approval of the subscriber. The department shall incorporate the provisions of such regulations in each new or existing certificate of public convenience and necessity issued under section 16-331.

(e) The department of public utility control shall adopt regulations in accordance with chapter 54 incorporating the provisions of Subpart D of 47 C.F.R. 76 in effect on January 1, 1983, and applying to community antenna television companies.

(f) The department of public utility control shall adopt regulations (1) establishing procedures to be followed by community antenna television companies in responding to subscriber inquiries and complaints and (2) establishing standards, based on the number of subscriber complaints to the department of public utility control concerning service provided by a community antenna television company, under which the department shall impose civil penalties on the company or initiate proceedings for the revocation of the company's franchise, provided nothing herein shall limit the authority of the department under sections 16-10a and 16-41.

(g) The standards and procedures adopted pursuant to this section, subsection (d) of section 16-331, subsection (b) of section 16-333d, section 16-333f, subsection (a) of section 16-333i and sections 16-333k to 16-333m, inclusive, shall be minimum standards of performance for community antenna television companies and the department of public utility control may adopt regulations in accordance with chapter 54 establishing higher standards of performance.

(1963, P.A. 425, S. 5; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 162, 610; P.A. 79-533, S. 3; P.A. 80-82; 80-482, S. 4, 40, 162, 345, 348; P.A. 83-33, S. 1, 2; 83-80, S. 1, 2; P.A. 84-240, S. 2, 4; 84-546, S. 50, 173; P.A. 88-202, S. 2.)

History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 79-533 added Subsec. (b) re regulation of community antenna television systems; P.A. 80-82 added Subsec. (c) re maintenance of public access channels; P.A. 80-482 made division of public utility control an independent department and deleted reference to abolished department of business regulation; P.A. 83-33 added Subsec. (d), requiring department to adopt regulations re personal privacy protections; P.A. 83-80 was added editorially as Subsec. (e) re incorporation of federal regulations re carriage of television broadcast signals; P.A. 84-240 added Subsec. (f) re inquiries and complaints by subscribers and notices to subscribers; P.A. 84-546 confirmed action of revisors in adding P.A. 83-80, S. 1 as Subsec. (e); P.A. 88-202 deleted the provisions of Subsec. (f) detailing matters to be addressed in regulations re subscriber inquiries and complaints and specifying information to be included with bills, i.e. company's telephone number, DPUC's consumer assistance number and procedures when service is interrupted and added Subsec. (g) which allows the department of public utility control to set higher standards of performance.

**Sec. 16-333a. Availability of service. Duties of building owners and others. Extra charge or discrimination prohibited. Right to use antenna. Regulations for owner compensation.** (a) No owner of any multiunit residential building shall demand or accept payment, in any form, except as provided in subsection (e) of this section, in exchange for permitting community antenna television service on or within his property or premises, or discriminate in rental charges or the provision of service between tenants who receive such service and those who do not, provided such owner shall not be required to bear any cost for the installation or provision of such service.

(b) An owner of a multiunit residential building shall permit wiring to provide community antenna television service in such building provided that: (1) A tenant of such building requests community antenna television services; (2) the entire cost of such wiring is assumed



by the community antenna television company; (3) the community antenna television company indemnifies and holds harmless the owner for any damages caused by such wiring; and (4) the community antenna television company complies with all rules and regulations of the department of public utility control pertaining to such wiring.

(c) An owner of a multiunit residential building in the process of construction shall prior to completion of construction of such building permit prewiring to provide community antenna television services in such building provided that: (1) The community antenna television company complies with all the provisions of subdivisions (2), (3) and (4) of subsection (b) of this section and subsection (e) of this section; and (2) all wiring other than that to be directly connected to the terminal of a community antenna television subscriber shall be concealed within the walls of such building.

(d) No community antenna television company may enter into any agreement with the owners, lessees or persons controlling or managing multiunit residential buildings serviced by such company, or commit or permit any act, that would have the effect, directly or indirectly, of diminishing or interfering with existing rights of any tenant or other occupant of such dwelling to use or avail himself of master or individual antenna equipment.

(e) The department shall adopt regulations in accordance with the provisions of chapter 54, authorizing community antenna television companies, upon application by the owner of a multiunit residential building and approval by the department, to reasonably compensate the owner for any taking of property associated with the installation of wiring and ancillary facilities for the provision of community antenna television service. The regulations may include, without limitation:

(1) Establishment of a procedure under which owners may petition the department for additional compensation;

(2) Authorization for owners and community antenna television companies to negotiate settlement agreements regarding the amount of such compensation, which agreements shall be subject to the department's approval;

(3) Establishment of criteria for determining any additional compensation that may be due;

(4) Establishment of a schedule or schedules of such compensation under specified circumstances; and

(5) Establishment of application fees, or a schedule of fees, for applications under this subsection.

(f) Nothing in subsection (e) shall preclude a community antenna television company from installing community antenna television equipment or facilities in a multiunit residential building prior to the department's determination of reasonable compensation.

(g) Any determination by the department under subsection (e) regarding the amount of compensation to which an owner is entitled or approval of a settlement agreement may be appealed by an aggrieved party in accordance with the provisions of section 4-183.

(h) The provisions of this section shall also apply to trailer parks, mobile manufactured home parks, nursing homes, hospitals and condominium associations.

(P.A. 75-301, S. 1, 3; P.A. 76-201; P.A. 77-614, S. 162, 610; P.A. 80-482, S. 163, 348; June Sp. Sess. P.A. 83-3, S. 1; P.A. 89-281, S. 1.)

History: P.A. 76-201 added proviso in Subsec. (a) re allotment of installation cost, replaced public utilities commission with public utilities control authority in accordance with provisions of P.A. 75-486 and added Subsec. (e) re applicability of provisions; P.A. 77-614 replaced public utilities control authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division an independent department and deleted reference to abolished department of business regulation; June Sp. Sess. P.A. 83-3 changed the term "mobile home" to "mobile manufactured home"; P.A. 89-281 added Subsec. (e) requiring the department to adopt regulations re compensation of owner for taking, added Subsec. (f) allowing cable installation before department determines compensation, added Subsec. (g) authorizing appeal from department decision and relettered Subsec. (e) as Subsec. (h).

**Sec. 16-333b. Service to franchise area. Underground service lines.** (a) No community antenna television company shall refuse to construct that plant necessary to serve any portion of its franchise area on the sole basis that such portion can only be served by underground facilities.

(b) No community antenna television company shall extend its service to any new franchise area unless such company has provided full service to the primary franchise area of the original franchise area specified in its certificate of public convenience and necessity. For purposes of this subsection, "primary franchise area" means any contiguous areas within the franchised territory, the outer limits of which shall be as near as possible to eighty residential dwelling units per mile of street or highway, and which has been so designated by the franchise holder.

(c) The department of public utility control shall permit a community antenna television company to extend service to any portion of its franchise area with a low population density and to charge prospective subscribers in that portion of its area differential rates to recover the construction and operating costs over a period not to exceed five years. Nothing in this subsection shall be construed as affecting any application for a certificate of public convenience and necessity filed in accordance with section 16-331 and pending before the department on April 6, 1981.

(d) A community antenna television company shall install underground service lines at the same time as, and in the same place that, electric and telephone utilities install underground facilities within the franchise territory. The department shall establish regulations in accordance with chapter 54 which may allow for the waiver of this requirement in low density areas and for a company to charge the owner of the property in which the service lines are installed for the cost of the installation.

(P.A. 75-301, S. 2, 3; P.A. 79-533, S. 1; P.A. 81-37, S. 1, 2; 81-393, S. 2.)

History: P.A. 79-533 added Subsec. (b) re extension of service to new franchise area; P.A. 81-37 added Subsec. (c) requiring department to permit companies to charge prospective subscribers in low density areas differential rates; P.A. 81-393 added Subsec. (d) requiring installation of underground service lines simultaneously with electric and telephone facilities and requiring department regulations re waiver of requirement in low density areas and company's power to charge property owner for such installation.

**Sec. 16-333c. Sale, lease or repair of equipment restricted. Availability of equipment for deaf or hearing impaired subscribers.** (a) No person, association or corporation which owns or operates a community antenna television system in the state shall, as part of, or in connection with, its operation of such system, sell, lease or repair receiving equipment, as defined in section 20-342, except community antenna receiving equipment and directly associated equipment other than television sets, in the state.

(b) Each community antenna television company shall make available at cost, by a rental, sales or instalment sales agreement, to each subscriber who is deaf or hearing impaired, equipment which receives and decodes closed captions which are simultaneously broadcast with video signals carried by the company.

(P.A. 77-57; P.A. 80-121, S. 1, 2; P.A. 85-168.)

History: P.A. 80-121 clarified provisions forbidding sale, lease or repair of receiving equipment by adding "as part of, or in connection with, its operation of such system"; P.A. 85-168 added Subsec. (b) re the availability of decoder equipment for deaf or hearing impaired subscribers.

**Sec. 16-333d. Interim rate increases. Notice of rate increase. Discrimination prohibited.** (a) The department of public utility control shall give final approval or disapproval, in whole or in part, to an interim rate increase granted to a community antenna television company subject to rate regulation not later than the expiration date of the period of (1) sixty days after the effective date of an interim rate increase granted in accordance with the provisions of subsection (d) of section 16-19, or (2) one hundred fifty days, or one hundred eighty days if the period is extended by the department, after the filing of such company's rate application in accordance with the provisions of subsection (a) of said section 16-19, whichever is earlier.

(b) Each community antenna television company shall notify the department and each subscriber of any planned increase in premium or basic service rates not less than forty-five days before the increase becomes effective.

(c) The department may prohibit any community antenna television company from unreasonably discriminating among subscribers of community antenna television service.

(P.A. 79-54; P.A. 80-482, S. 4, 40, 345, 348; P.A. 84-113, S. 3, 4; P.A. 85-509, S. 7, 11; P.A. 88-202, S. 4.)

History: P.A. 80-482 made division of public utility control an independent department and abolished department of business regulation; P.A. 84-113 authorized department to extend deadline for issuing a final decision on a rate filing by thirty days, to one hundred eighty days; P.A. 85-509 lettered existing section as Subsec. (a) and made its provisions applicable only to a community antenna television company subject to rate regulation, added Subsec. (b) re basic service rate increase for each company not subject to rate regulation and added Subsec. (c) re prohibition on unreasonable discrimination; P.A. 88-202 amended Subsec. (b) requiring notice to be provided for any increase in premium service as well as basic service and increased the notification period in Subsec. (b) from thirty to forty-five days.

**Sec. 16-333e. Credit or refund for interrupted service. Premium service program listing and report.** (a) (1) If premium or basic service to a subscriber is interrupted for more than twenty-four continuous hours, such subscriber shall receive a credit or refund from the community antenna television company in an amount that represents the proportionate share of such service not received in a billing period, provided such interruption is not caused by the subscriber. (2) The department of public utility control, not later than January 1, 1985, shall adopt regulations in accordance with the provisions of chapter 54, establishing a viewing time reliability standard for community antenna television companies and requiring such companies to file with the department information on premium and basic service interruptions not caused by subscribers. The department shall approve a service interruption adjustment clause to be superimposed on the existing rate schedules of such companies. Such a clause shall provide for a credit or refund from a company to its subscribers if the level of service during a month falls below the company's reliability standard due to interruptions of twenty-four hours or less.

(b) Before the first day of each month each community antenna television company shall mail to each subscriber who has subscribed to a premium service offered by such company a written listing of the programs to be offered by the company in that month. Such listing shall include the date, time and nature of such programs.

PA 91-244 (4) (b) deleted

(b) Each community antenna television company shall submit an annual report to the department of public utility control setting forth the number of customers of the company who subscribe to a premium service which is made available directly or indirectly by the company to its customers and the amount of revenues derived by the company from such premium service.

(c) For the purposes of this section, "premium service" means service, other than the basic monthly service, for which a subscriber pays an additional monthly fee.

(P.A. 79-548; P.A. 80-85; 80-482, S. 4, 40, 345, 348; P.A. 84-240, S. 3, 4.)

History: P.A. 80-85 inserted new Subsec. (c) re annual report and relettered former Subsec. (c) as Subsec. (d); P.A. 80-482 made division of public utility control an independent department; P.A. 84-240 limited applicability of Subdiv. (1) of Subsec. (a) to interrupted service instead of interrupted or terminated service and added Subdiv. (2) re interruptions of twenty-four hours or less.

**Sec. 16-333f. Programming changes.** Each community antenna television company shall inform the department of public utility control, each subscriber, the chairpersons of the joint standing committee on energy and public utilities and the chairperson of the company's advisory council of any planned programming changes not less than forty-five days prior to implementing such changes unless (1) such changes are required by law to be made in less than forty-five days or (2) the department prescribes a longer or shorter notice period in appropriate circumstances where such longer or shorter notice period is in the best interest of the company's subscribers. The department shall adopt regulations in accordance with chapter 54 to carry out the purposes of this section.

(P.A. 81-393, S. 3; P.A. 88-202, S. 5.)

History: P.A. 88-202 amended the section by requiring each company to notify each subscriber and the chairpersons of the energy committee of any programming change and that each notice be made not less than forty-five days prior to the change unless a short time prescribed by law or the department prescribes a different time.

**Sec. 16-333g. Free basic service for libraries and schools.** (a) Each community antenna television company, as defined in section 16-1, shall provide any library serving the public and any school system, college or university, located in a part of the company's franchise area where service is available, with basic community antenna television service at no charge if such library, school system, college or university participates in educational or public access programming offered throughout the company's franchise area. The department of public utility control may exempt any company from providing such service at no charge if it would have an adverse impact on the company.

(b) The department of public utility control shall include the costs of such service as an operating expense of a community antenna television company for the purposes of rate-making, upon application by the company in a proposed rate amendment filed under section 16-19.

(P.A. 82-221, S. 1, 3.)

**Sec. 16-333h. Extension of service to schools. Instructional television channels.** (a) Each community antenna television company, as defined in section 16-1, shall, not later than the date it extends energized trunk and feeder to all areas within its franchise territory in which there are at least twenty-five prospective subscribers per aerial plant mile of extension and fifty prospective subscribers per underground plant mile of extension, extend such trunk and feeder to public and private elementary and secondary schools in such franchise areas and offer one instructional television channel as part of its basic service. Each such company

may utilize such instructional television channel for noninstructional television programming during any time when the channel is not needed for instructional programming. No such company shall be required to offer the instructional television channel on or after July 1, 1991, unless the joint committee on educational technology, established under section 10-4e, certifies to the department of public utility control that educational agencies in the company's franchise area have utilized the instructional television channel to provide, during the school year, an average of not less than twenty hours per week of credit and noncredit instructional programming, programming supporting school curricula and programming for professional development.

(b) The joint committee on educational technology shall be responsible for the utilization of instructional television channels provided in whole or in part by community antenna television companies.

(P.A. 83-584, S. 1, 3; P.A. 85-509, S. 8, 11; P.A. 88-52, S. 1, 2; P.A. 90-79, S. 2.)

History: P.A. 83-584, S. 1, effective July 1, 1984; 85-509 amended Subsec. (a) to allow instructional channel to be utilized for noninstructional programming when not needed for instructional programming, deleting provisions re channel sharing by instructional and public access or other partially used channels, and terminated channel requirement as of July 1, 1988, except upon certification of utilization by joint committee on educational technology; P.A. 88-52 in Subsec. (a) extended the deadline from July 1, 1988, to July 1, 1989, for the requirement that instructional television channels be offered; P.A. 90-79 extended deadline from July 1, 1989, to July 1, 1991, for the requirement that instructional television channels be offered.

**Sec. 16-333i. Procedures for restoring interrupted service and improving substandard service.** (a) Each community antenna television company, as defined in section 16-1, for the purpose of restoring interrupted service and improving substandard service, have on call twenty-four hours a day, seven days a week, one or more persons qualified to repair community antenna television systems, as defined in section 16-1, and facilities and equipment owned by the company and located on a subscriber's premises, including but not limited to, community antenna television receiving equipment and directly associated equipment.

(b) Each such company shall restore interrupted service not later than twenty-four hours after being notified by a subscriber that service has been interrupted, unless (1) service cannot be restored until another public service company, as defined in section 16-1, repairs facilities owned by such public service company and leased to, or required for the operation of, the community antenna television company, (2) the interruption was caused by an act of God or (3) the community antenna television company is unable to restore service within twenty-four hours due to extenuating circumstances. In the event of such extenuating circumstances, the company shall restore service as soon as feasible and then submit a written notice to the department of public utility control indicating that service has been restored and explaining the nature of the extenuating circumstances.

(c) As used in this section, "interrupted service" means the loss of premium or basic monthly community antenna service or any portion of such service.

(d) The department of public utility control, not later than November 1, 1984, shall adopt regulations in accordance with the provisions of chapter 54, defining "substandard service" for the purposes of this section.

(P.A. 84-240, S. 1, 4; P.A. 85-509, S. 9, 11; P.A. 88-202, S. 6.)

History: P.A. 85-509, in Subsec. (a), substituted definitional reference to Sec. 16-330 with reference to Sec. 16-1. P.A. 88-202 deleted the provision in Subsec. (a) which limited applicability to community antenna television companies with more than ten thousand customers.

**Sec. 16-333j. Community access support. Investigation. Standards. Monitoring by advisory councils.** (a) As used in this section, "community access support" means the availability to the public of the facilities, equipment, time and personnel of a community antenna television company, as defined in section 16-1, for the development of noncommercial programming for the benefit of persons residing in the company's franchise area.

(b) The department of public utility control shall promptly undertake a separate general investigation of, and hold a hearing on, the level of community access support being provided by community antenna television companies. Not later than November 1, 1984, the department shall establish standards for determining the level of community access support which such companies shall annually be required to make available to the public to facilitate meaningful community access. Such standards shall include, but not be limited to, the size of the companies' rate bases. Such community access support shall be in addition to any support required pursuant to subsection (c) of section 16-333. Not later than February 1, 1985, each affected community antenna television company shall make community access support available to the public in accordance with such standards.

(c) Each advisory council established, in accordance with regulations adopted in accordance with chapter 54, for the franchise area served by a community antenna television company may monitor the compliance by such company with such standards.

(P.A. 84-466, S. 1, 2; P.A. 85-292, S. 2.)

History: P.A. 85-292 added Subsec. (c) re advisory council monitoring of compliance with community access support standards.

**Sec. 16-333k. Office operating requirements. Office hours. Complaint or dispute procedures.** Each community antenna television system shall: (1) Operate a business office in the franchise area or in an immediately adjacent franchise area if approved by the department that shall be open during normal business hours, (2) operate sufficient telephone lines, including a toll-free number or any other free calling option, as approved by the department, staffed by a company customer service representative during normal business hours for any community antenna television system, having less than thirty thousand customers, and from 9 a.m. until 11 p.m. Monday through Friday, and from 9 a.m. until 1 p.m. Saturday for any community antenna television system, having more than thirty thousand customers, to receive subscriber inquiries, complaints, repair requests, requests for billing adjustments and other service-related requests, (3) connect each such call to a company customer service representative within two minutes during normal business hours, unless there is an emergency in which case the customer should receive a recorded message describing the problem and offering assistance, (4) provide for an answering service to receive such inquiries, complaints, and requests during such times when the company is not required to staff a toll-free number or any other free calling option, as approved by the department, (5) have sufficient personnel on duty as required by subdivision (2) of this section to receive subscriber inquiries, complaints, repair requests, requests for billing adjustments and other service-related requests and to respond to all such inquiries, complaints and requests not later than the close of the next business day after receipt thereof, except as provided by section 16-333i, (6) keep adequate records of all complaints and their final disposition, which shall be in such form as the department prescribes, and (7) follow the written procedures for resolving subscriber complaints and billing disputes, in accordance with subsection (d) of section 16-333i and such additional requirements as the department shall prescribe, and provide a copy of such procedures to each subscriber at the time of the initial subscription and at least annually thereafter.

(P.A. 88-202, S. 3.)

**Sec. 16-333l. Company offerings and charges. Billing and billing dispute procedures.** (a) Each community antenna television company, as defined in section 16-1, shall provide each subscriber with a description of all premium and basic service offerings, a list of premium and basic service rates and all service-related charges, information on equipment operation and a description of the company's customers credit policies, including any finance charges or late payment charges, at the time of the initial subscription and at least annually thereafter.

(b) Each such company shall provide each subscriber with a description of the company's billing practices at the time of the initial subscription and at least annually thereafter. Such description shall include billing period and frequency, security deposit requirements, late payment charges, returned check charges, credits for service outages, pay-per-view billing procedures and such other items as the department of public utility control may require. Each company shall file a copy of its billing practices with the department and shall give notice to the department and each subscriber not less than forty-five days prior to implementing any changes in such practices. Every bill to subscribers of a community antenna television service shall contain (1) the date on which any individually chargeable service is rendered, (2) each rate or charge levied, (3) the amount due for the current billing period separate from any prior balance due, (4) the specific date by which payment is due, (5) such other items as the department may require, (6) the company's telephone numbers, including any toll-free numbers, (7) the department of public utility control's consumer assistance telephone number and (8) the mailing address of the company's advisory council. Each company shall provide each subscriber, quarterly, with a summary of the procedures for resolving subscriber complaints and for providing refund or credit for service interruptions, pursuant to subsection (a) of section 16-333e, and a notice indicating that, pursuant to subsection (b) of section 16-333i, the company is required to restore interrupted service not later than twenty-four hours after being notified by a subscriber that service has been interrupted. Each bill insert or letter to subscribers, other than promotional material, shall contain the company's telephone numbers, including any toll-free numbers or any other free calling option, as approved by the department and the department of public utility control's consumer assistance telephone number. Each company shall publish quarterly in a newspaper, having a general circulation within each municipality in the franchise area, the mailing address of the company's advisory council, the names of the company's advisory council's members, a list of any vacancies on the advisory council, and a schedule of the advisory council's meeting for the next quarter.

(c) No community antenna television company shall issue a bill which contains a statement that payment is due upon receipt. The payment due date of any subscriber's bill shall be no earlier than twenty-five days after the issue date of such bill. No community antenna television subscriber's account shall be considered delinquent until at least twenty-five days have elapsed from the billing date contained in the subscriber's bill. No community antenna television company may impose a late charge or terminate service on account of nonpayment of a delinquent account less than forty-five days from the original billing date. In order to impose a late charge or terminate service, a company shall first give notice of such delinquency and impending late charge or termination at least fifteen days prior to the imposition of the proposed late charge or the termination, by first class mail addressed to the subscriber. The fifteen-day period shall commence from the date the notice is mailed, provided no notice may be mailed until at least thirty days have elapsed from the billing date contained in the subscriber's bill. No such company may impose a late charge greater than eight per cent per annum of the balance due or any such rate as determined by the department. Any returned check charge imposed by such company shall be reasonably related to the company's actual cost of processing returned checks.

(d) Any community antenna television subscriber shall have not less than forty-five days from the billing date contained in the subscriber's bill in which to register a complaint with a community antenna television company with respect to any billing error or dispute. A billing complaint may be registered in person at the company's business office, by telephone or by mail. The company shall promptly investigate the billing complaint, shall provide an initial response to the subscriber not later than three days after receipt thereof and shall provide a written proposal of the disposition of the complaint to the subscriber not later than fifteen business days following the company's receipt of the complaint. The subscriber, after receiving the company's proposed disposition of the complaint, shall have ten days to contest the disposition and may present the company with additional information concerning the complaint. In the event the subscriber contests the proposed disposition, the company shall review any additional information, if provided, and shall notify the subscriber of the company's final disposition within fifteen days. No community antenna television company may effect termination of service to the subscriber for nonpayment of disputed bills during the pendency of any billing complaint, provided the subscriber shall pay current and undisputed bill amounts during the pendency of the complaint. The department of public utility control, upon the written request of the subscriber, may review the company's disposition of a billing complaint in accordance with such procedures as the department shall prescribe and make such orders as the department deems reasonable and necessary to finally resolve the complaint.

(e) The department of public utility control shall adopt regulations, in accordance with the provisions of chapter 54, to administer the provisions of this section.

(P.A. 88-202, S. 7, 10; 88-364, S. 95, 123; P.A. 89-182, S. 5.)

History: P.A. 88-364 substituted reference to billing date for reference to payment due date in Subsec. (d); P.A. 89-182 required that bills contain mailing address of community antenna television services company's advisory council and that specified information re advisory council be published quarterly in a newspaper with general circulation in each municipality within a franchise area.

**Sec. 16-333m. Notice of changes in service-related charges. Prohibition on charges after subscriber requests disconnection or downgrade of service.** (a) Each community antenna television company shall notify the department of public utility control and each subscriber of any planned increase in any charge imposed by the company for installation or upgrade of service, reconnection, additional outlets, service visits, equipment rental, purchase and replacement, or any other service-related charge not less than forty-five days before the increase becomes effective.

(b) No charge may be imposed by any such company in any case where a subscriber requests a total disconnection or a downgrade of service. The subscriber, after the date of his request for disconnection or downgrade, shall not be required to pay for any service in the case of a total disconnection or any service option requested to be eliminated, unless the subscriber prevents the company from disconnecting service within a reasonable time.

(P.A. 88-202, S. 8.)

**Sec. 16-333n. Penalty for reduction of community antenna television service without notice.** If a community antenna television company, as defined in section 16-1, reduces the programming selection of a basic or premium service package, without providing notice to the department of public utility control, as required in sections 16-333d and 16-333f, it shall provide customers with a credit for failing to provide the cable program package or selection as advertised or represented to the customer. Such credit shall be



docket # 11343

February 12, 1972 published their rules regarding "Cable Television Service." and "Cable Television Relay Service". The publication of these rules by the FCC culminated proceedings which had been going on for a number of years.

The FCC requires, (FCC Regulations, Section 76.201; 37 F.R. 3287, 2/12/72), that a cable television system having 3,500 or more subscribers, operate "to a significant extent as a local outlet by "origination cablecasting" and have "available facilities for local production and presentation of programs ...". This requirement of the FCC has caused this Commission to re-examine its earlier interpretation of Section 16-330 of the General Statutes.

Accordingly, the Commission, in view of the FCC Rule 76.201, hereby alters its March 13, 1964 interpretation of the term "community antenna television system", as set forth in Section 16-330 of the General Statutes, to the extent that such earlier interpretation was inconsistent with FCC Rule 76.201. The Commission hereby amends all existing CATV certificates of convenience and necessity and expressly directs that CATV franchises shall provide for such origination cablecasting as is required by Section 76.201 and all relevant portions of the regulations of the Federal Communications Commission.

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Although the Connecticut General Statutes provide for a customer complaint procedure concerning all public service companies operating within this State in Sec. 16-20, the certificates of convenience and necessity held by the Connecticut CATV companies are presently silent on this point. FCC Regulations at Section 76.31 (a)(5) (37 F.R. 3251, 2/2/72) provide that:

"The franchise shall specify procedures for the investigation and resolution of all complaints regarding the quality of service, equipment malfunctions, and similar matters, and shall require that the franchisee maintain a local business office or agent for these purposes".

This Commission believes that it is practically desirable for it to amend the existing Connecticut CATV franchises to conform with the requirements of the Federal Communications Commission. Accordingly, each Connecticut CATV certificate of convenience and necessity is hereby amended to include the following:

"Complaint Procedure

- "(a) 'Complaint' means an objection to the charge, facilities or quality of service of a CATV Company. Quality of service shall include but not be limited to complaints concerning workmanship, billing procedures, employee attitude in serving the public, etc.
- "(b) Each complaint, whether oral or written, shall immediately be recorded by the company. The record shall show the name and address of the complainant, the date and the nature of the complaint.

- "(c) The CATV company shall conduct a prompt and complete investigation of each complaint and report to the complainant concerning the resolution of the complaint, and advise the complainant that said customer may resort to the Public Utilities Commission if dissatisfied with such resolution of the complaint.
- "(d) A record of the original complaint shall be kept for a period of three years from the date the company first received the complaint.
- "(e) In the event a complaint is made to the Public Utilities Commission, the CATV operator shall conduct a complete and prompt investigation and report to the Public Utilities Commission within 2 weeks of receipt of notice of such complaint by it as to:
- "1. What the company has done to resolve the complaint, or
  - "2. What it intends to do to resolve the complaint and within what period of time it intends to accomplish this result.
  - "3. Why the complaint has no merit if company believes such is the case.
- (f) The CATV operator shall maintain in each town or city of its franchise a local office, agent, or such other facilities as the Public Utilities Commission shall approve for the purpose of receiving complaints and rendering service in response to complaints, and for such additional purpose as this Commission shall from time to time prescribe."

#### Systems Construction

On December 13, 1971, this Commission sent a letter to all CATV franchise holders informing them that the PUC is prepared "to accept and act upon your application for approval of such plans of construction which are to be submitted in compliance with Chapter 289 of the Connecticut General Statutes and the order granting your franchise". Subsequently, on March 21, 1972, the Commission sent a further letter to the CATV franchisees wherein it required "a report from you stating what steps you have taken to date to plan construction and to prepare your application for approval of your construction plans by the PUC..".

The purpose of these communications was clearly to get CATV service going in Connecticut. There are problems, however, regarding the rate at which a CATV company should be required to construct its system.

The Federal Communications Commission has taken the position in its Regulation that, "The franchisee shall accomplish significant construction within one (1) year after receiving Commission certification, and shall thereafter equitably and reasonably extend energized trunk cable to a substantial percentage of its franchise area each year, such percentage to be determined by the franchising authority. (FCC Regulations, Sec. 76.31(a)(2), 37 F.R. 3251).

The FCC provided in its report and order accompanying its regulations that "As a general proposition we believe that energized trunk cable should be extended to at least 20 percent of the franchise area per year. But we have not established 20 percent as an

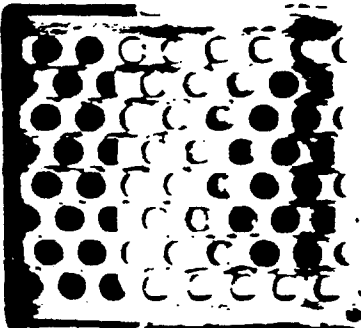
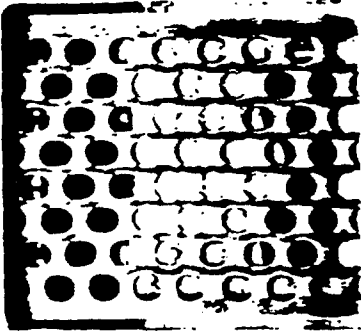


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IMPORTANT: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT  
**REGULATION**

OF

NAME OF AGENCY

Department of Public Utility Control

Concerning

SUBJECT MATTER OF REGULATION

Renewal of CATV Certificates and Subscriber  
and Service Requirements

SECTION \_\_\_\_\_

Section 1

Section 16-333-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Section 16-333-1. Definitions

(a) "CATV" means any system operated in, under or over any street or highway for the purpose of providing antenna television service for hire pursuant to a certificate of public convenience and necessity issued by the commission.

(b) "Commission" means the public utilities commission of the state of Connecticut.

(c) "Municipality" means a town, city or borough, or any municipal corporation or department thereof, owning, leasing, maintaining, operating, managing or controlling any utility plant within the state.

(d) "FRANCHISING AUTHORITY" MEANS THE DEPARTMENT OF PUBLIC UTILITY CONTROL.

(e) "COMMUNITY ANTENNA TELEVISION SYSTEM" MEANS A FACILITY, CONSISTING OF A SET OF CLOSED TRANSMISSION PATHS AND ASSOCIATED SIGNAL GENERATION, RECEPTION AND CONTROL EQUIPMENT THAT IS DESIGNED TO PROVIDE COMMUNITY ANTENNA TELEVISION SERVICE WHICH INCLUDES VIDEO PROGRAMMING AND WHICH IS PROVIDED IN, UNDER OR OVER ANY PUBLIC STREET OR HIGHWAY, FOR HIRE, TO MULTIPLE SUBSCRIBERS WITHIN A FRANCHISE AREA, BUT SUCH TERM DOES NOT INCLUDE (1) A FACILITY THAT SERVES ONLY TO RETRANSMIT THE TELEVISION SIGNALS OF ONE OR MORE TELEVISION BROADCAST STATIONS; (2) A FACILITY THAT SERVES ONLY SUBSCRIBERS IN ONE OR MORE MULTIPLE UNIT DWELLINGS UNDER COMMON OWNERSHIP, CONTROL OR MANAGEMENT, UNLESS SUCH FACILITY IS LOCATED IN, UNDER OR OVER A PUBLIC STREET OR HIGHWAY; (3) A FACILITY OF A COMMON CARRIER WHICH IS SUBJECT, IN WHOLE OR IN PART, TO THE PROVISIONS OF TITLE II OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED, EXCEPT THAT SUCH FACILITY SHALL BE CONSIDERED A COMMUNITY ANTENNA TELEVISION SYSTEM AND THE CARRIER SHALL BE CONSIDERED A PUBLIC SERVICE COMPANY TO THE EXTENT SUCH FACILITY IS USED IN THE TRANSMISSION OF VIDEO PROGRAMMING DIRECTLY TO SUBSCRIBERS; OR (4) A FACILITY OF AN ELECTRIC COMPANY WHICH IS USED SOLELY FOR OPERATING ITS ELECTRIC COMPANY SYSTEMS.

(f) "COMMUNITY ANTENNA TELEVISION COMPANY" INCLUDES EVERY CORPORATION, COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, PARTNERSHIP OR PERSON, OR LESSEE THEREOF, OWNING, LEASING, MAINTAINING, OPERATING, MANAGING OR CONTROLLING ANY COMMUNITY ANTENNA TELEVISION SYSTEM, IN, UNDER OR OVER ANY STREET OR HIGHWAY, FOR THE PURPOSE OF PROVIDING COMMUNITY ANTENNA TELEVISION SERVICE FOR HIRE.

mium or basic service due to non payment of amounts due or other issues involving the subscriber.

(k) "Owner" means one or more persons, jointly or severally in whom is vested (1) all or part of the legal title to property; (2) all or part of the beneficial ownership and a right to present use and enjoyment of the premises and including a mortgagee in possession; or (3) in the case of any multiunit residential building that is a condominium, co-operative, or other form of common ownership, any association of unit owners.

(l) "Multiunit residential building" means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of three or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards. For the purpose of these regulations, multiunit residential building shall include trailer parks, mobile home parks, condominiums and any other common ownership dwellings.

(Effective May 18, 1990)

## Part II

### Application and Territory

#### Sec. 16-333-2. Applications

Each application to the commission for a CATV certificate of public convenience and necessity shall be accompanied by the statutory fee and shall set forth, by town, or designated portion thereof, the territory that the applicant proposes to serve.

(See 1963 Supp. § 16-331 (a).)

#### Sec. 16-333-3. Territory served

CATV service shall be limited to territory exclusively authorized in the certificate issued by the commission. No cable or other connections shall be constructed to points outside territory authorized in the certificate of said CATV without prior approval of the commission.

## Part III

### Attachments Rights

#### Sec. 16-333-4. Right of occupancy of public service facilities.

Prior to attachment of CATV equipment on facilities of public service companies or municipalities, contracts defining the rights of the parties with respect to the authority of the CATV certificate holder to occupy space on poles shall be filed with the commission.

(See 1963 Supp. § 16-332.)

## Part IV

### Safety

#### Sec. 16-333-5. Safety manuals

Each CATV certificate holder shall adopt comprehensive instructions prescribing safety of employees. Construction of a CATV shall not be initiated until after the commission has approved said instructions. Each employee assigned to electrical work shall be furnished a copy of said safety instructions.

#### Sec. 16-333-6. Accident prevention

Each CATV certificate holder shall use every effort to warn and protect the public from danger and shall exercise all reasonable care to reduce hazards to employees, public service company facilities, patrons and members of the public.

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(g) "FRANCHISE" MEANS AN INITIAL AUTHORIZATION OR RENEWAL THEREOF ISSUED BY A FRANCHISING AUTHORITY, WHETHER SUCH AUTHORIZATION IS DESIGNATED AS A FRANCHISE, PERMIT, LICENSE, RESOLUTION, CONTRACT, CERTIFICATE, AGREEMENT OR OTHERWISE WHICH AUTHORIZES THE CONSTRUCTION OR OPERATION OF A COMMUNITY ANTENNA TELEVISION SYSTEM.

(h) "FRANCHISE HOLDER" MEANS THE HOLDER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT OR OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM ISSUED BY THE PUBLIC UTILITIES CONTROL AUTHORITY.

(i) "BILLING DATE" FOR THE PURPOSE OF THESE REGULATIONS SHALL BE THE PROCESSING DATE OF THE BILL.

(j) "TERMINATION" FOR THE PURPOSES OF THESE REGULATIONS SHALL BE THE INTENTIONAL DISCONTINUANCE BY THE COMMUNITY ANTENNA TELEVISION COMPANY OF PREMIUM OR BASIC SERVICE DUE TO NON PAYMENT OF AMOUNTS DUE.

Section 2

See (k) and (l), -2, -3, -4 and -5 and

The Regulations of Connecticut State Agencies are amended by adding Sections 16-333-9a through 16-333-9o inclusive, as follows:

(NEW)

Section 16-333-9a. Description of services

(a) Each CATV Company shall provide each subscriber, at the time of initial subscription and at least annually thereafter, its advisory council and the Department of Public Utility Control, at least annually, with a description of all premium and basic service offerings, a list of premium and basic service offerings and rates, and all service-related charges. Each CATV Company shall also notify each subscriber, its advisory council and the Department of Public Utility Control of any increase in basic or premium rates, and any increases in service-related charges at least 45 days prior to implementation of such increases.

(b) Each CATV Company shall notify the Department of Public Utility Control and each subscriber of any planned increase in any charge imposed by the company for installation or upgrade of service, reconnection, additional outlets, service visits, equipment rental, purchase and replacement, or any other service-related charge not less than forty-five days before the increase becomes effective.

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(NEW)

**Section 16-333-9b. Credit policies/late charges**

Each CATV company shall provide each subscriber with a description of the company's customer credit policies, including any finance charges or late payment charges at the time of initial subscription and at least annually thereafter.

(NEW)

**Section 16-333-9c. Billing practices**

(a) Each CATV company shall provide each subscriber with a description of the company's billing practices at the time of initial subscription and at least annually thereafter. Such description shall include information on the following: (1) billing period and frequency, (2) security deposit requirements, (3) late payment charges, (4) returned check charges, (5) credits for service outages, (6) pay per view billing procedures, and such other items as the Department may require.

(b) No charge may be imposed by any CATV Company in any case where a subscriber requests a total disconnection or a downgrade of service. The subscriber, after the date of his request for disconnection or downgrade, shall not be required to pay for any service in the case of total disconnection or any service option requested to be eliminated in the case of downgrade, unless the subscriber prevents the company from disconnecting service within a reasonable time.

(NEW)

**Section 16-333-9d. Notice to the department and subscribers of changes in billing.**

Each CATV company shall file a copy of its billing practices with the Department and its advisory council and shall give notice to the Department, its advisory council and each subscriber not less than forty-five days prior to implementing any changes in said practices as filed pursuant to § 16-333-9c of these Regulations.

(NEW)

**Section 16-333-9e. Information on bills**

Every bill to subscribers of CATV service shall contain the following: (1) the date on which any individually chargeable service is rendered; (2) each rate or charge levied; (3) the amount due for the current billing period, identified separately from any prior balance due; (4) the billing date, as defined in section 16-333-1(1) of these Regulations, for the current billing period; (5) the specific date by which payment is due; (6) the company's telephone numbers, including any toll-free numbers; (7) the Department of Public Utility Control's consumer assistance telephone numbers, including its toll-free number; and (8) such other items as the Department may require.



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(NEW)

**Section 16-333-9f. Subscriber complaint information**

Each company shall provide each subscriber, at the time of initial subscription and quarterly thereafter, with a summary of the procedures for resolving subscriber complaints including notice of the subscriber's right to appeal, to the Department, the company's response to the contested disposition of the complaint pursuant to section 16-333-9o of these regulations as well as all provisions contained in sections 16-333-91 through 16-333-9o, and for providing refund or credit for service interruptions, pursuant to subsection (a) of section 16-333e of the General Statutes, and a notice indicating that, pursuant to the General Statutes, the company is required to restore interrupted service not later than twenty-four hours after being notified by a subscriber that service has been interrupted. Each bill insert or letter to subscribers, other than promotional material, shall contain the company's telephone numbers, including any toll-free numbers or any other free calling option, and the Department of Public Utility Control's consumer assistance toll-free number.

(NEW)

**Section 16-333-9g. Bill payment due date**

No CATV company shall issue a bill which contains a statement that payment is due upon receipt. The payment due date of any subscriber's bills shall be no earlier than twenty-five days after the billing date, as defined in section 16-333-1(i) of these Regulations, of such bill.

(NEW)

**Section 16-333-9h. Determination of delinquency**

No CATV subscriber's account shall be considered delinquent prior to twenty five days after the billing date, as defined in section 16-333-1(i) of these Regulations, contained on the subscriber's bill.

(NEW)

**Section 16-333-9i. Late charge/termination notice period**

No CATV company may impose a late charge or terminate service on account of non-payment of a delinquent account fewer than forty-five days from the original billing date, as defined in section 16-333-1(i) of these Regulations. To impose a late charge or terminate service, a company shall first give notice of such delinquency and impending late charge or termination at least fifteen days prior to the imposition of the proposed late charge or the termination. Said notification must be served by first class mail addressed to the subscriber. The fifteen day period shall commence from the date the notice is mailed, provided no notice may be mailed until at least thirty days have elapsed from the billing date contained in the subscriber's bill.